

## **REMARKS**

Claims 1-18 are pending in the application. In the Office Action dated February 9, 2005, the Examiner rejected claims 1-18 under the judicially created doctrine of double patenting over claims 1-20 of U.S. Pat. No. 6,735,287. Additionally, claims 1-5 and 10-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,246,751 ("Bergl"). Finally, claims 1, 8, 10, and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2002/0143877 ("Hackbarth"). In this Amendment, claims 1 and 10 have been amended. Applicants respectfully request reconsideration and withdrawal of the rejections in light of the amendments to the claims and the following remarks.

### **I. Terminal Disclaimer**

Claims 1-18 were rejected under the judicially created doctrine of double patenting over claims 1-20 of U.S. Pat. No. 6,735,287. With this Amendment, applicants have filed a terminal disclaimer. Applicants respectfully request withdrawal of the double patenting rejection.

### **II. Bergl Does Not Anticipate the Currently-Claimed Invention**

Independent claims 1 and 10 are each directed to a method or system for improved presence detection. Generally, a presence device associated with a communication device is operable in a first and a second mode. If the presence device operates in the first mode, a user is biometrically authenticated and receives a presence confirmation input from the communication device. If the presence device operates in the second mode, a user is authenticated using a user-entered login input. In response to authentication of the user in the first or second mode, a central presence database is updated indicating the communication device is active for the user to receive at least one message. Bergl does not disclose or suggest at least updating a central presence database in response to authentication of a user in the first or second mode to indicate the communication device is active for the user to receive at least one message.

Bergl is directed to an apparatus for preventing unauthorized use of a voice dialing system. In the system, when an internal caller places a call to an internal

telephone number, the caller must also give a biometric identification. The biometric identification of the caller is compared to the biometric information associated with the internal telephone number. If the system determines the biometric information is different, the call may proceed. However, if the system determines the biometric information is the same, a series of steps are taken to ensure a caller is not placing a call to their own internal telephone number for fraudulent purposes.

The actions taken in Bergl in response to identifying a caller using biometric information is completely different from the actions of the currently-claimed invention when a user is authenticated using biometric information. Independent claims 1 and 10 recite updating a central database to indicate a communication device is active for a user to ***receive a communication***. In contrast, Bergl discloses taking actions to prevent a user from ***initiating a communication***. Due to the fact Bergl does not disclose or suggest taking any actions to allow a communication device of a user who has been identified using biometric information to ***receive a communication***, Bergl necessarily does not anticipate independent claims 1 or 10, or any of their dependent claims. Applicants respectfully request the withdrawal of the rejection to claims 1-5 and 10-14 under 35 U.S.C. § 102(e).

### III. Hackbarth Does Not Anticipate the Currently-Claimed Invention

Like Bergl, Hackbarth does not disclose or suggest in response to identifying a user, updating a central presence database to indicate ***a single communication device*** that is active for the user to receive at least one message as in independent claims 1 and 10.

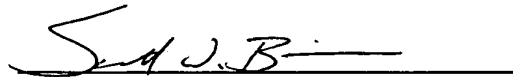
Hackbarth is directed to an apparatus and method for use in data/conference call systems to provide collaboration services. In the relevant portion of Hackbarth, a presence database is maintained comprising information on whether a user is present on the network and the ***multiple devices*** that the user has used to connect to the network. In contrast, the currently-claimed invention comprises a presence database that indicates a ***single communication device*** that is active for the user to receive at least one message. Thus, in the currently-claimed invention, only the ***single communication device*** that is active receives the at least one message where in

Hackbarth, it is possible for the **multiple devices** that the user has used to connect to the network to receive any messages sent to the user. Applicants respectfully request the withdrawal of the rejection to claims 1, 8, 10, and 17 under 35 U.S.C. § 102(e).

#### IV. CONCLUSION

In view of the foregoing amendment and remarks, Applicant submits that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott W. Brim", is written over a horizontal line.

Scott W. Brim  
Registration No. 51,500  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200